

# Exhibit A



NATURAL RESOURCES DEFENSE COUNCIL

July 11, 2006

**By Facsimile and Overnight Delivery**

Margaret P. Grafield  
Director, Office of Information Resources Management  
Programs and Services, SA-2, 5<sup>th</sup> Floor  
United States Department of State  
Fax: (202) 261-8579

**Re: Request for information regarding logging and/or trade of bigleaf mahogany from Peru under CITES Appendix II**

Dear Ms. Grafield:

On behalf of the Natural Resources Defense Council ("NRDC"), I write to request the disclosure of records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA"), and the pertinent U.S. Department of State ("DOS") regulations, 22 C.F.R. Part 171 Subparts A thru H.

The term "records" is used throughout this letter to mean anything denoted by the use of that word, or its singular form, in the context of FOIA.<sup>1</sup> The term includes, but is not limited to, anything meeting the definition of "record" at 22 C.F.R. § 171.10(b).

I am requesting the following records, prepared, authorized, stored or received:

- 1) Any cable, communication or other record sent on or around April 19, 2006 from the United States Embassy in Peru relating to the logging and/or trade of bigleaf mahogany (*Swietenia macrophylla*) from Peru.
- 2) Any records prepared after March 10, 2006 relating to the logging and/or trade of bigleaf mahogany (*Swietenia macrophylla*) from Peru.
- 3) Any other records created after November 15, 2003 relating to the logging and/or trade of bigleaf mahogany (*Swietenia macrophylla*) from Peru.

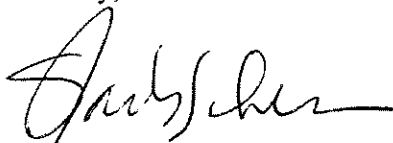
<sup>1</sup> Included in the term "records" shall be all writings (handwritten, typed, electronic or otherwise produced, reproduced or stored) in the possession of the Department of State, including, but not limited to, any correspondence, minutes of meetings, memoranda, notes, e-mails, calendar or daily entries, visitor logs, telephone logs, meeting agendas, notices and telefaxes. The request includes, but is not limited to records prepared or created by State Department personnel, including without limitation, personnel or consultants working in or for the U.S. Embassy in Peru or for the State Department in Washington, D.C., as well as submissions from corporations, foreign governments, international organizations, and non-governmental entities.

Please produce these records on a rolling basis, with highest priority given to the most recent records (from March 10, 2006 onward); at no point, however, should the Department's search for—or deliberations concerning—certain records pertaining to this request delay the production of others that the Department has already retrieved and elected to produce.

I appreciate your help in obtaining this information. Additional elements of this request are included in an Appendix to this letter.

Please send the requested records to S. Jacob Scherr, Senior Attorney, Natural Resources Defense Council, 1200 New York Ave., NW, Suite 400, Washington, DC, 20005. If you need further information please feel free to contact me by phone at (202) 289-2367 in order to speed consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Jacob Scherr', written in a cursive style.

S. Jacob Scherr  
Senior Attorney  
Director, International Program

## **NRDC FOIA Request to the Department of State Appendix: Supplemental and Supportive Materials**

### **FOIA EXEMPTION**

Should you decide to invoke a FOIA exemption, please include in your full or partial denial letter sufficient information for us to appeal the denial. Specifically, this information must include, *inter alia*:

- 1) Basic, factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item;
- 2) Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

### **REQUEST FOR A FEE WAIVER**

NRDC requests a fee waiver for these records. FOIA dictates that requested records be provided without charge “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure of the records requested here would meet these two requirements and therefore is entitled to a fee waiver as set forth in regulations 22 C.F.R. § 171.15(a).

#### **A. First Requirement**

Disclosure of the records requested above would be “likely to contribute significantly to public understanding of the operations and activities of the government.” *Id.* The records in question pertain to U.S. foreign policy, specifically the role of the State Department in policies regarding international natural resource use, trade in endangered species, and activities that could affect globally significant ecosystems and vulnerable indigenous peoples. In particular, trade and logging of bigleaf mahogany is an area of concern identified by former Secretary of State Colin Powell as part of the President’s Initiative Against Illegal Logging<sup>2</sup>. Extraction of bigleaf mahogany in Peru impacts ecosystems of importance both regionally and at an international level. Bigleaf mahogany is covered under the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) to which the United States is a party. The environmental and social impacts of mahogany extraction in the rainforests of Peru is a matter of general public concern. *See, e.g.*, Attachment 1. Examination of the requested records would contribute to public understanding of U.S. Department of State activities in

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<sup>2</sup> Remarks on the Launch of President Bush’s Initiative Against Illegal Logging. July 28, 2003. *See* <http://www.state.gov/secretary/former/powell/remarks/2003/22845.htm>

developing policies on illegal logging, trade in endangered species, natural resource extraction, and the potential impacts of these activities on globally significant ecosystems and vulnerable indigenous peoples.

As an environmental organization that has spent over thirty years promoting the public interest through the development of wise federal environmental policies, NRDC routinely receives fee waivers under FOIA. This is in large part because the organization has repeatedly proven its ability to disseminate the information it obtains through FOIA to large segments of the public. If the information we seek proves to be of sufficient value, newsworthiness or otherwise of public interest to warrant public dissemination, we could foresee disseminating relevant portions of the information more broadly through the public communication methods at our disposal. These methods include:

- NRDC's Web site ([www.nrdc.org](http://www.nrdc.org) and more specifically, <http://www.savebiogems.org/tahuamanu>), which receives approximately 2.5 million page views and approximately 700,000 visits each month;
- email alerts, which NRDC sends to approximately 550,000 individuals several times each month (a selection of current alerts is available at [www.nrdcaction.org/action/default.asp](http://www.nrdcaction.org/action/default.asp));
- Earth Action email alerts, which NRDC sends to approximately 165,000 subscribers twice each month;
- NRDC's Nature's Voice publication, which NRDC mails five times each year to approximately 600,000 NRDC members;
- NRDC's OnEarth magazine, which NRDC mails four times each year to approximately 150,000 subscribers, distributes for sale at newsstands and bookstores, and additionally posts on its Web site for downloading free-of-charge ([www.nrdc.org/onearth/05fal/default.asp](http://www.nrdc.org/onearth/05fal/default.asp));
- newspaper, magazine, and trade-press articles, and radio and television news reports, in which NRDC staff members are quoted – and in which information obtained from NRDC is conveyed – several times each week;

*See, e.g.,* Attachments 2,3, and 4 for a few of the many examples of NRDC's successful use of the channels listed above to disseminate widely its summaries and explanations of federal government records that NRDC has obtained through FOIA.

## **B. Second Requirement**

Disclosure of the records requested here would also satisfy the second fee waiver requirement because NRDC does not have "a commercial interest that would be furthered by the requested disclosure" 22 C.F.R. § 171.15 (a)(2). NRDC is a not-for-profit

organization and, as such, has no commercial interest. Moreover, NRDC does not intend to sell any information contained in the records it receives pursuant to this request. Rather, it plans to disseminate the information at the organization's expense.

Because disclosure of the records described above would meet the requirements set forth in 5 U.S.C. § 552(a)(4)(A)(iii), and 22 C.F.R. § 171.15(a), NRDC respectfully requests that the U.S. Department of State waive search and production fees.

Please provide the requested records irrespective of the status and outcome of your evaluation of NRDC's fee-waiver request. To prevent delay in the provision of the requested records, NRDC hereby states that it will, if necessary and under protest, pay fees in accordance with 22 C.F.R. § 171 Subparts A & B. Please consult with me, however, before undertaking any action that would cause the fee to exceed two hundred and fifty dollars. No payment made under protest will constitute any waiver of NRDC's right to seek administrative or judicial review of any denial of its fee-waiver request. NRDC reserves the right to appeal any refusal to waive such fees as provided under 22 C.F.R. § 171.15(c).

#### **TIMELY RESPONSE**

Please produce the records described above on a rolling basis; at no point should the Department's search for—or deliberations concerning—any records requested here delay the production of others that the agency has already retrieved and elected to produce. I look forward to your response within twenty days, as required by the FOIA, 5 U.S.C. § 552(a)(6)(A)(i) and DOS regulations at 22 C.F.R. § 171.12(a).

# **Exhibit B**



**United States Department of State**

*Washington, D.C. 20520*

July 26, 2006

Case Number: 200603432

S. Jacob Scherr, Esq.  
Senior Attorney  
Director, International Program  
Natural Resources Defense Council  
1200 New York Avenue, NW, Suite 400  
Washington, DC 20005

Dear Mr. Scherr:

This is in response to your Freedom of Information Act (FOIA) request, dated July 11, 2006 for information regarding logging and/or trade of bigleaf mahogany from Peru under CITES Appendix II.

We will begin the processing of your request based upon the information provided in your communication. We will notify you as soon as responsive material has been retrieved and reviewed.

We wish to advise you that the cut-off date for retrieving records is either the date you have given the Department by specifying a particular time frame or the date the search is initiated.

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*Office of Information Programs and Services  
U.S. Department of State SA-2  
Washington, DC 20522-8100  
Web site: [foia.state.gov](http://foia.state.gov)*

*Inquiries:  
Phone: 1- 202- 261- 8484  
FAX: 1- 202- 261- 8579  
email: [FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)*



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**Fees:** The Freedom of Information Act requires agencies to assess fees to recover the direct costs of processing requests, unless a fee waiver has been granted.

You have stated your willingness to pay the fees incurred in the processing of this request up to \$250.00.

Based upon the information that you have provided, we have placed you in the "all other" requester category. This category requires us to assess search time after 2 hours/duplication costs after the first 100 pages (see 22 CFR 171, enclosed).

We will notify you of the costs incurred in processing your request as soon as the search for and review of any responsive documents have been completed.

Based upon the information provided in your letter, your request for a fee waiver has been denied. If you wish to appeal this decision, you may write to the Chief, Requester Liaison Division, at the address given on the bottom of this page. Your appeal should address the points listed in the enclosed sheet entitled "Requests for Fee Waivers." Your appeal must be sent to us within 30 days from the date that you receive this letter.

While we will make every effort to meet the time limits cited in the Freedom of Information Act (5 USC § 552), unusual circumstances

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Office of Information Programs and Services  
U.S. Department of State SA-2  
Washington, DC 20522-8100  
Web site: [foia.state.gov](http://foia.state.gov)

*Inquiries:*  
Phone: 1-202-261-8484  
FAX: 1-202-261-8579  
email: [FOIAStatus@state.gov](mailto:FOIAStatus@state.gov)


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may arise for extending the time limit (see enclosure). We appreciate your patience in this matter.

If you have any questions, please do not hesitate to contact us. We can provide faster service if you include the case number of your request in your communications with us.

We are pleased to be of service to you.

Sincerely,

A handwritten signature in black ink that reads "Katrina M. Wood". The signature is written in a cursive, flowing style.

Katrina M. Wood  
Requester Communications Branch

Enclosure: As stated.

# Exhibit C



NATURAL RESOURCES DEFENSE COUNCIL

April 24, 2007

**By Facsimile and Overnight Delivery**

Margaret P. Grafield  
Director, Office of Information Resources Management  
Programs and Services, SA-2, 5<sup>th</sup> Floor  
United States Department of State  
Fax: (202) 261-8579

**Re: Request for information regarding logging and/or trade of bigleaf mahogany from Peru under CITES Appendix II**

Dear Ms. Grafield:

On behalf of the Natural Resources Defense Council ("NRDC"), I write to request the disclosure of records pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.* ("FOIA"), and the pertinent U.S. Department of State ("DOS") regulations, 22 C.F.R. Part 171 Subparts A thru H.

The term "records" is used throughout this letter to mean anything denoted by the use of that word, or its singular form, in the context of FOIA.<sup>1</sup> The term includes, but is not limited to, anything meeting the definition of "record" at 22 C.F.R. § 171.10(b).

This new request follows on our July 11, 2006 letter (case number 200603432). Despite numerous communications with the DOS FOIA office in more than nine months since that request was submitted, we have yet to receive any of the documents referenced in that request. In particular, we have not received the cable, communication or other record sent on or around April 19, 2006<sup>2</sup> from the United States Embassy in Peru relating to the logging and/or trade of bigleaf mahogany (*Swietenia macrophylla*) from Peru.

In addition to the records requested in the July 11, 2006 letter, we are now requesting any other records prepared, authorized, stored or received after the date of that

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<sup>1</sup> Included in the term "records" shall be all writings (handwritten, typed, electronic or otherwise produced, reproduced or stored) in the possession of the Department of State, including, but not limited to, any correspondence, minutes of meetings, memoranda, notes, e-mails, calendar or daily entries, visitor logs, telephone logs, meeting agendas, notices and telefaxes. The request includes, but is not limited to records prepared or created by State Department personnel, including without limitation, personnel or consultants working in or for the U.S. Embassy in Peru or for the State Department in Washington, D.C., as well as submissions from corporations, foreign governments, international organizations, and non-governmental entities.

<sup>2</sup> We now understand, from conversations with staff at the DOS FOIA hotline, that an April 21, 2006 cable exists that is responsive to NRDC's July 11, 2006 FOIA request.

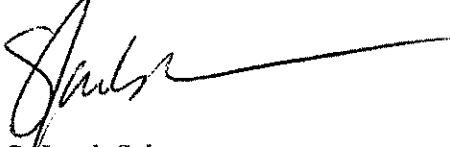
request relating to the logging and/or trade of bigleaf mahogany (*Swietenia macrophylla*) from Peru.

Please produce these records on a rolling basis, with highest priority given to the most recent records; at no point, however, should the Department's search for—or deliberations concerning—certain records pertaining to this request delay the production of others that the Department has already retrieved.

I appreciate your help in obtaining this information. Additional elements of this request are included in an Appendix to this letter.

Please send the requested records to S. Jacob Scherr, Senior Attorney, Natural Resources Defense Council, 1200 New York Ave., NW, Suite 400, Washington, DC, 20005. If you need further information please feel free to contact me by phone at (202) 289-2367 in order to speed consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Jacob Scherr', with a long horizontal flourish extending to the right.

S. Jacob Scherr  
Senior Attorney  
Director, International Program

## **NRDC FOIA Request to the Department of State Appendix: Supplemental and Supportive Materials**

### **FOIA EXEMPTION**

Should you decide to invoke a FOIA exemption, please include in your full or partial denial letter sufficient information for us to appeal the denial. Specifically, this information must include, *inter alia*:

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### **REQUEST FOR A FEE WAIVER**

NRDC requests a fee waiver for these records. FOIA requires that requested records be provided without charge “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a) (4)(A)(iii). Disclosure of the records requested here would meet these two requirements and therefore is entitled to a fee waiver as set forth in regulations 22 C.F.R. § 171.15(a). We incorporate by reference the supporting documentation in our July 11, 2006 request, as well as our August 9, 2006 appeal of the DOS’s denial of our request for a fee waiver.

#### **A. First Requirement**

Disclosure of the records requested above would be “likely to contribute significantly to public understanding of the operations and activities of the government.” *Id.* The records in question pertain to U.S. foreign policy, specifically the role of the State Department in policies regarding international natural resource use, trade in endangered species, and activities that could affect globally significant ecosystems and vulnerable indigenous peoples. In particular, trade and logging of bigleaf mahogany is an area of concern identified by former Secretary of State Colin Powell as part of the President’s Initiative Against Illegal Logging.<sup>3</sup> Extraction of bigleaf mahogany in Peru impacts ecosystems of importance both regionally and at an international level. Bigleaf mahogany is covered under the Convention of International Trade in Endangered Species

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<sup>3</sup> Remarks on the Launch of President Bush’s Initiative Against Illegal Logging. July 28, 2003. See <http://www.state.gov/secretary/former/powell/remarks/2003/22845.htm>.

of Wild Fauna and Flora ("CITES") to which the United States is a party. The environmental and social impacts of mahogany extraction in the rainforests of Peru is a matter of general public concern. *See, e.g.,* Attachment 1.<sup>4</sup> Examination of the requested records would contribute to public understanding of U.S. Department of State activities in developing policies on illegal logging, trade in endangered species, natural resource extraction, and the potential impacts of these activities on globally significant ecosystems and vulnerable indigenous peoples.

As an environmental organization that has spent over thirty years promoting the public interest through the development of wise federal environmental policies, NRDC routinely receives fee waivers under FOIA. This is in large part because the organization has repeatedly proven its ability to disseminate the information it obtains through FOIA to large segments of the public. If the information we seek proves to be of sufficient value, newsworthiness or otherwise of public interest to warrant public dissemination, we could foresee disseminating relevant portions of the information more broadly through the public communication methods at our disposal. These methods include:

- NRDC's Web site (<http://www.nrdc.org> and, more specifically, <http://www.savebiogems.org/tahuamanu>), which receives approximately 2.5 million page views and approximately 700,000 visits each month;
- email alerts, which NRDC sends to approximately 550,000 individuals several times each month (a selection of current alerts is available at <http://www.nrdcaction.org/action/default.asp>);
- Earth Action email alerts, which NRDC sends to approximately 165,000 subscribers twice each month;
- NRDC's Nature's Voice publication, which NRDC mails five times each year to approximately 600,000 NRDC members;
- NRDC's OnEarth magazine, which NRDC mails four times each year to approximately 150,000 subscribers, distributes for sale at newsstands and bookstores, and additionally posts on its Web site for downloading free-of-charge (<http://www.nrdc.org/onearth/05fal/default.asp>);
- newspaper, magazine, and trade-press articles, and radio and television news reports, in which NRDC staff members are quoted – and in which information obtained from NRDC is conveyed – several times each week;

*See, e.g.,* Attachments 2, 3, and 4 for a few of the many examples of NRDC's successful use of the channels listed above to disseminate widely its summaries and explanations of federal government records that NRDC has obtained through FOIA.

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<sup>4</sup> Attachments 1-4 refer to attachments to our July 11, 2006 request.

**B. Second Requirement**

Disclosure of the records requested here would also satisfy the second fee waiver requirement because NRDC does not have “a commercial interest that would be furthered by the requested disclosure.” 22 C.F.R. § 171.15(a) (2). NRDC is a not-for-profit organization and, as such, has no commercial interest. Moreover, NRDC does not intend to sell any information contained in the records it receives pursuant to this request. Rather, it plans to disseminate the information at the organization’s expense.

Because disclosure of the records described above would meet the requirements set forth in 5 U.S.C. § 552(a)(4)(A)(iii), and 22 C.F.R. § 171.15(a), NRDC respectfully requests that the U.S. Department of State waive search and production fees.

Please provide the requested records irrespective of the status and outcome of your evaluation of NRDC’s fee-waiver request. To prevent delay in the provision of the requested records, NRDC hereby states that it will, if necessary and under protest, pay fees in accordance with 22 C.F.R. § 171 Subparts A & B. Please consult with me, however, before undertaking any action that would cause the fee to exceed two hundred and fifty dollars. No payment made under protest will constitute any waiver of NRDC’s right to seek administrative or judicial review of any denial of its fee-waiver request. NRDC reserves the right to appeal any refusal to waive such fees as provided under 22 C.F.R. § 171.15(c).

**TIMELY RESPONSE**

Please produce the records described above on a rolling basis; at no point should the Department’s search for—or deliberations concerning—any records requested here delay the production of others that the agency has already retrieved and elected to produce. I look forward to your response within twenty days, as required by the FOIA, 5 U.S.C. § 552(a)(6)(A)(i), and DOS regulations at 22 C.F.R. § 171.12(a).



# Exhibit D

**Martin, Rebecca (USANYS)**

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**From:** Cmar, Thomas [tcmar@nrdc.org]  
**Sent:** Wednesday, November 07, 2007 11:31 PM  
**To:** Martin, Rebecca (USANYS)  
**Subject:** FW: redactions

Hi Rebecca – I tried to send you this message this afternoon, but our email servers were acting funny and I'm not sure it went through. My apologies if you've already received it. Best, Thom

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**From:** Cmar, Thomas  
**Sent:** Wednesday, November 07, 2007 2:33 PM  
**To:** 'Martin, Rebecca (USANYS)'  
**Subject:** redactions

Rebecca,

After reviewing with my client the ten redacted documents that have been released to us so far, we have determined that we are not interested in challenging the redactions in the following three documents: E10, EB1, and 041. We look forward to receiving information from your client adequate to justify the redactions made to the following seven documents: E8, E13, E14, 015, 016, 043, and 060.

I don't know what further "narrowing" of the issues is possible with respect to the 2006 request prior to our receiving your client's Vaughn index. With respect to the 22 documents (by my count) responsive to the 2006 request that have been withheld in full from release, as well as the one document still awaiting interagency concurrence, we lack any information and look forward to receiving either the documents or information adequate to justify their withholding.

I look forward to meeting you on Friday.

Best,

Thom

---

Thomas Cmar  
Natural Resources Defense Council  
1200 New York Ave., N.W.  
Suite 400  
Washington, DC 20005  
(202) 289-2405  
[tcmar@nrdc.org](mailto:tcmar@nrdc.org)

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, please notify me immediately at the above telephone number.

**Martin, Rebecca (USANYS)**

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**From:** Cmar, Thomas [tcmar@nrdc.org]  
**Sent:** Monday, January 07, 2008 10:21 AM  
**To:** Martin, Rebecca (USANYS)  
**Subject:** NRDC v. DOS

Hi Rebecca,

I still have not heard back from you with confirmation that we have received a complete response to our two FOIA requests, but in the interest of moving things along, I reviewed with my client the redactions from the documents we have received from DOS since the November conference before Judge Pauley.

With respect to the package of documents we received under a cover letter dated November 8, 2007, we have determined that we are not interested in challenging the redactions in the following three documents: 016, 018, and 068. We look forward to receiving information from your client adequate to justify the redactions made to the following seven documents: 010, 022, 031 (the B5 redactions only – we are not interested in the B6 redactions in this document), 035, 036, 050, and 060.

With respect to the package of documents we received under a cover letter dated December 7, 2007, we we have determined that we are not interested in challenging the redactions in the document numbered 052. We look forward to receiving information from your client adequate to justify the redactions made to the documents numbered 044 and 083.

As I have said previously (and as we are entitled under FOIA), with respect to all responsive documents that have been withheld from release, we look forward to receiving either the documents or information adequate to justify their withholding.

Please confirm that we have now received all of the responsive documents that we are going receive prior to SJ briefing.

Best,

Thom

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Thomas Cmar  
Natural Resources Defense Council  
1200 New York Ave., N.W.  
Suite 400  
Washington, DC 20005  
(202) 289-2405  
[tcmar@nrdc.org](mailto:tcmar@nrdc.org)

**PRIVILEGE AND CONFIDENTIALITY NOTICE**

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law as attorney-client and work-product confidential or otherwise confidential communications. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, please notify me immediately at the above telephone number.

# **Exhibit E**

VAUGHN INDEX FOR 2006 FOIA REQUEST

<u>Entry No.</u>	<u>Doc. No.</u>	<u>Description/Title</u>	<u>Withholding</u>	<u>Exempt'n</u>	<u>Justification</u>
1	O5	Undated. 2 pages. Handwritten notes of discussion involving officials from Office of the US Trade Representative ("USTR"), State Department Bureau of Oceans and International Environmental and Scientific Affairs ("OES"), and Forest and Wildlife Service ("FWS"), concerning 13th Conference of the Parties, Oct. 2-14, 2004, and issues concerning illegal logging of mahogany.	Denied in full.	B5	These handwritten notes reflect predecisional deliberations, questions, and the suggestions and opinions of the writer and other conversation participants as well as the give and take of a consultative process.
2	O6	June 21, 2004. 3 pages. Handwritten notes of meeting concerning issues and strategies for addressing illegal logging of mahogany.	Denied in full.	B5	These handwritten notes discuss questions, desired outcomes, and other predecisional and deliberative material.

VAUGHN INDEX FOR 2006 FOIA REQUEST

3	O15	December 3-9, 2003. 3 pages. Partial redaction. Discussion regarding coordination and funding of proposed workshops and personal email address.	B5, B6	redacted discussions are predecisional and reflect the suggestions and opinions of the writer and the give and take of a consultative process. Redacted email account withheld on privacy grounds.
4	O16	December 11, 2003. 2 pages. Partial redaction. Personal email account and projections concerning OES, Forest and Wildlife Service ("FWS"), and USDA of coordination of a proposed Forest Service ("USDA"), workshop regarding ITTO Yokohama conference guidance for a conference in Lima.	B5, B6	Redacted discussions are predecisional and reflect the suggestions and opinions of the writer and the give and take of a consultative process. Redactions also contain the address of a Yahoo email account, which is withheld on privacy grounds.
5	O18	May 1 - June 12, 2006. 4 pages. Multiple emails among officials from US Embassy, OES, Western Hemisphere Affairs ("WHA"), State Department Office of Legal Advisor ("L"), and to a now-defunct State Department email address, concerning NRDC lawsuit concerning logging.	B5	This document is predecisional and contains discussion and reflects consultative give and take concerning strategies for responding to issues arising from NRDC lawsuit concerning logging and includes advice from State Department attorney on related issues.

VAUGHN INDEX FOR 2006 FOIA REQUEST

6	O19	May 12, 2006. 3 pages. "Working Draft" of a paper concerning proposed workshop on increasing transparency in the forest sector in the Amazon Basin. (Portion of an email appears to have been erroneously copied into document.)	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning proposed goals and strategies for curbing illegal logging. The partial page of an erroneously inserted email appears to be an email among State Department officials seeking status update on a pending congressional report.
7	O20	Project proposal entitled "OESi FY 2005 FLEG Implementation Proposal" concerning the President's Initiative Against Illegal Logging ("PIAIL") and Forest Law Enforcement and Governance ("FLEG) regional processes concerning illegal logging. 3 pages.	Denied in full.	B5	The document is predecisional and reflects the writer's recommendation of certain projects to advance implementation of the PIAIL/FLEG program.
8	O24	Draft summary of January 12-14 workshop on Industry Contribution to Forest Governance (year unknown). 21 pages.	Denied in full.	B5	This draft document is predecisional and reflects the views and opinions of the writer, including draft commentary, proposed edits, and incomplete sections.
9	O32	Proposal regarding funding for the President's Initiative Against Illegal Logging (PIAIL). 2 pages.	Denied in full.	B5	Document is predecisional and reflects the writer's recommendation for funding requests and distributions. As such, it is a predecisional, deliberative document created for the purpose of arriving at a future agency decision.

VAUGHN INDEX FOR 2006 FOIA REQUEST

10	O34	September 5, 2006. 2 pages. Email Meorandum to the President from Condoleeza Rice, concerning progress and outlook report on PIAIL.	Denied in full.	B5	Document is a presidential communication.
11	O43	June 15, 2004. 2 pages. Email chain among officials from US Embassy, OES, USTR, WHA, and FWS, regarding updated information concerning Peru's proposal for ITTO assistance on mahogany management and Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") Appendix II permits.	Partial redaction. The first, second, third and fifth redactions concern deliberations regarding Peruvian proposals and goals for the remainder of 2004. Fourth redaction concerns sensitive details of performance assessments and activities.	B5, B6	The first, second, third and fifth redactions concern discussions which are predecisional and reflect the suggestions and opinions of the writer and the give and take of a consultative process. The fourth redaction contains concerns information whose release would risk personal harassment and invasion of privacy of a foreign individual.
12	O44	June 9, 2004. 2 pages. Email chain among officials from OES, US Embassy, USTR, and FWS, concerning proposed project concerning illegal logging.	Denied in full.	B5	This document is predecisional and reflects the opinions and recommendations of writers concerning options for a follow-up project to a 2004 workshop and reflects the give and take of the consultative process.
13	O44A	Attachment to Doc. No. 044, June 9, 2004 Email chain. 1 page.	Denied in full.	B5	This attachment proposes a schedule and budget for the contemplated project discussed in the June 9, 2004 Email chain. This proposal is a predecisional, deliberative document.



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14	O44B	Attachment to Doc. No. 044, June 9, 2004 Email chain. 2 pages.	Denied in full.	B5	This attachment proposes a statement of goals, responsibilities and objectives of the contemplated project discussed in the June 9, 2004 Email chain. This proposal is a predecisional, deliberative document.
15	O47	January 13-15, 2004. 4 pages. Email chain involving officials from OES, L, State Department Office of Public Affairs ("PA"), and US Embassy. Subject line: "Peruvian mahogany exports."	Denied in full.	B1, B5	Document contains sensitive information concerning the activities of a foreign government the release of which reasonably could be expected to harm foreign relations (classified under EO 12958 1.4(d)); document also includes confidential deliberations involving State Department officials and State Department attorney about the CITES treaty.
16	O48	January 13-14, 2004. 4 pages. Email chain involving officials from OES, L, PA, and US Embassy. Subject line: "Peruvian mahogany exports."	Denied in full.	B1, B5	Identical to document O47 except for the top email, which seeks advice from a State Department attorney on CITES issues.

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17	O49	August 24-31, 2006. 3 pages. Email chain among officials from US Embassy, OES, USTR, L and USTR counsel's office, concerning possible issues and talking points for US Embassy representative for upcoming Peruvian workshop on Peruvian mahogany and NRDC lawsuit concerning same.	Denied in full.	B5	Document is predecisional and reflects the opinions and recommendations of the writers of the emails and shows the give and take of the consultative process. Document also contains recommendation from counsel as to how to proceed with respect to various issues.
18	O52	September 18, 2006. 3 pages. Email chain among officials from OES, US Embassy, and FWS, concerning possible issues and talking points for US Embassy representative for upcoming Peruvian workshop on Peruvian mahogany and NRDC lawsuit concerning same.	Denied in full.	B5	Document is predecisional and reflects the opinions and recommendations of the writers of the emails and shows the give and take of the consultative process. Document also contains recommendation from counsel as to how to proceed with respect to various issues.
19	O54A	Draft of position paper discussing agenda and U.S. position concerning inclusion of mahogany in the Significant Trade Review process for 16th meeting of the Plants Committee, July 3-8, 2006. 7 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning the position to be taken by US government concerning whether to include mahogany in the Significant Trade Review process.

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20	O60	December 16, 2003. 2 pages. Email among officials from USTR, USDA, FWS, International Trade Administration ("ITA") and OES, regarding meeting to discuss plans for an ITTO-sponsored regional workshop on mahogany trade and CITES and written notes from that meeting.	Partial redaction. The redacted material consists of personal, handwritten notes from the meeting, which contain deliberative, predecisional information.	B5	The redacted information is predecisional and reflects the suggestions and opinions of the writer and other meeting participants as well as the give and take of a consultative process.
21	O62	Proposal regarding project for promoting sustainable mahogany forest management in the Amazon Basin. 3 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning possible initiatives to be undertaken by the USG concerning forestry management issues in Peru.
22	O62A	Proposed schedule and budget for project recommended in O62. 1 page.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions by decision-makers.
23	O62C	Proposed "Statement of Work" for project recommended in O62. 2 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions by decision-makers.
24	O63	Redlined draft of Instructions for the U.S. Delegation to the Regional Workshop on Capacity Building for Mahogany, May 2004. 7 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning proposed goals and strategy for U.S. delegates.

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25	O64	Redlined draft, with handwritten edits and notes, of instructions for the U.S. Delegation to the Regional Workshop on Capacity Building for Mahogany, May 2004. 8 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning proposed goals and strategy for U.S. delegates.
26	O65A	Redlined draft of Instructions for the U.S. Delegation to the Regional Workshop on Capacity Building for Mahogany, May 2004. 7 pages.	Denied in full.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning proposed goals and strategy for U.S. delegates.
27	E8	Apr. 6, 2006. 7 pages. Cable from US Embassy in Lima to US Secretary of State concerning illegal logging in the Peruvian forest sector.	<p>- Page 2. Partial redaction. Numbered Para 1 (sentence 4). Discussion of US Embassy opinion on INRENA activities.</p> <p>- Page 4. Partial redaction. Numbered Para 10 (sentences 2 and 4). Discussion of US Embassy opinion as to GOP computerized system for tracking mahogany harvest.</p> <p>-Page 4. Partial redaction. Numbered Para 11 (sentences 3-5). Discussion of US Embassy opinion as to GOP handling of illegal logging and issues that could arise in advance of an upcoming CITES meeting to be held in Peru.</p>		Document contains opinions and reveals deliberations by decision-makers.

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28	E13	<p>November 20, 2003. Cable from US Embassy in Lima to Washington DC headquarters of four US government agencies. 3 pages. Subject: "Peru: Dimarche on CITES Appendix II requirements for mahogany."</p>	<p>Released in part. Two redactions, totaling approximately 6 lines of text on page 2, containing information received from and about Peruvian government officials.</p>	<p>B1. Originally marked unclassified, this material was subsequently classified in accordance with the foreign EO 12958 section 1.7(d).</p>	<p>Unauthorized release of foreign government information given to the US government with a diplomatic expectation of confidentiality, and internal communications about foreign officials, reasonably could be expected to cause harm to our relations with the foreign government. The redacted information is therefore currently and properly classified under EO 12958, as amended, sections 1.4(b) and (d). <b>conform classification basis</b></p>
29	E14	<p>December 3, 2003. Cable from US Embassy in Lima to Washington DC headquarters of five US government agencies. Subject: "Peru faces critical problems in meeting CITES mahogany requirements, controlling illegal logging."</p>	<p>Released in part. Redacted material concerns the activities of logging companies in Peru, operations of a Peruvian agency, and corruption allegations.</p>	<p>B1</p>	<p>Unauthorized release of foreign government information given to the US government with a diplomatic expectation of confidentiality, and sensitive aspects of foreign government activities, reasonably could be expected to cause harm to our relations with the foreign government. The redacted information is therefore currently and properly classified under EO 12958, as amended, sections 1.4(b) and (d).</p>

# Exhibit F

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<u>Entry No.</u>	<u>Doc. No.</u>	<u>Description/Title</u>	<u>Withholding</u>	<u>Exempt'n</u>	<u>Justification</u>
1	O10	Jan. 24, 2007. 3 pages. Email among officials from the State Department Bureau of Oceans and International Environmental and Scientific Affairs ("OES"), Environment and Natural Resources Management of USAID ("ENR"), US Embassy, Economic Growth and Trade office of USAID ("EGT") concerning upcoming meetings for Assistant Secretary Claudia McMurray ("A/S") in Lima, Peru concerning various wildlife issue, including the logging of mahogany.	- Pages 1-2. 4 emails dated Jan. 24, 2007 among officials from OES, ENR, US Embassy, and EGT. Denied full text of these emails. Discussion of strategy and logistics for meetings with Peru's National Institute for Natural Resources ("INRENA") regarding logging of mahogany and other environmental issues; discussion of strategy for responding to Congressional concerns about Free Trade Agreement ("FTA") with Peru and illegal logging.	B5	redacted discussions are predecisional and reflect the suggestions and opinions of the writer and the give and take of a consultative process.
2	O12	Jan. 24, 2007. 1 page. Email among officials from OES.	Page 1. Partial redaction. Para 2 (sentence 3). Discussion of possible issues to be raised by A/S with Peruvian officials during upcoming trip to Peru.	B5	redacted discussions are predecisional and reflect the suggestions and opinions of the writer of the email and the give and take of a consultative process.

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3	O12A	January 17, 2007. 2 pages. Letter from eleven Congressional Representatives (Jim McDermott, Lloyd Doggett, Pete Stark, John Lewis, Xavier Becerra, Mike Thompson, Earl Blumenauer, Bill Pascrell, Chris Van Hollen Allison Schwartz, and John Larson) to Susan Schwab, U.S. Trade Representative, concerning environmental protection issues and negotiation of bilateral trade agreements.	This is attachment was uncovered recently and is undergoing interagency review.
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4	O15	Feb. 2-13, 2007. 3 pages. Multiple emails among officials from OES and US Embassy, concerning possible A/S trip to Latin America.	<p>- Page 1, Three emails dated Feb. 8 and 13, 2007. Denied full text of these emails. Discussions about a planned trip to Latin America by A/S, including discussion of logistics, schedules, topics to be addressed, tasks to be coordinated in advance.</p> <p>- Page 2, Email dated Feb. 8, 2007. Partial redaction. Para 1, (sentence 3). Discussion of possible topics to include in speech before Humane Society International ("HSI").</p> <p>- Page 2. Email dated February 9, 2007. Denied full text of email. Discussion of logistics, schedules, topics to be addressed, tasks to be coordinated in advance of meeting.</p> <p>Page 3. Email dated February 2, 2007. Partial redaction. Discussion of possible topics to be addressed during trip and tasks to be coordinated in advance of trip.</p>	B5	redacted discussions are predecisional and reflect the suggestions and opinions of the writer of the email
5	O17	Feb. 15, 2007. 1 page. Email among OES officials discussing upcoming A/S trip to Peru.	<p>Denied in full. Discussion of possible topics to be addressed during A/S trip to Peru and tasks to be coordinated in advance of trip.</p>	B5	redacted discussions are predecisional and reflect the suggestions and opinions of writer of email and the give and take of a consultative process.

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6	O20	Feb. 15, 2007. 2 pages. Multiple emails among officials from OES, ENR, EGT and US Embassy, concerning A/S trip to Peru.	- Page 1-2. Partial Redaction. Redacted text of entire document <u>except for first email, dated February 15, 2007 from Mary Gorjance</u> . Also redacted "Re" line of email. Redacted portion of document contains (1) discussion of strategy and topics for A/S to address in meetings with Peruvian officials and tasks to be coordinated in advance of meetings and (2) personal email address and cell phone number.	B5 B6	redacted discussions are predecisional and reflect the suggestions/opinions of writers of email and show the give and take of a consultative process. Personal information is withheld on privacy grounds.
7	O22	Feb. 15-16, 2007. 3 pages. Multiple emails among officials from OES, US Embassy, ENR, and EGT concerning upcoming A/S trip to Peru.	Page 1-3. Partial Redaction. Redacted all text, <u>except for first sentence of February 16, 2007 email</u> . Redacted portion of document contains (1) discussion of strategy for A/S meetings, various concerns about issues expected to be addressed during trip, and tasks to be coordinated in advance of trip and (2) personal email address and cellphone numebers.	B5 B6	redacted discussions are predecisional and reflect the suggestions/opinions of the writers of emails and show the give and take of a consultative process. Personal information is withheld on privacy grounds.
8	O24A	Redlined draft of speech to be given by A/S at the Humane Society International Conference on Whale and Dolphin Watching in Peru in February 2007. 14 pages.	Denied in full.	B5	Document is predecisional and does not contain the final wording of the speech; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of the speech and the strategies for raising and addressing numerous environmental issues, including illegal logging.

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9	O25	Feb. 16, 2007. 1 page. Multiple emails among officials from OES, ENR, US Embassy, Western Hemisphere Affairs ("WHA"), and National Oceanic and Atmospheric Admin. ("NOAA"), concerning draft of speech referenced in <b>O24A</b> .	- Page 1. Partial Redaction. Redacted all text, except for earliest email, from Russell Newell to OES officials. Remainder of document consists of comments on draft of speech for A/S, referenced in <b>O24</b> .	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of the speech and the strategies for raising and addressing numerous environmental issues, including illegal logging.
10	O27A	Redlined draft of speech referenced in <b>O24A</b> . 14 pages.	Denied in full.	B5	Document is predecisional and does not contain the final wording of the speech; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of the speech and the strategies for raising and addressing numerous environmental issues, including illegal logging.

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11	O28	Feb. 16-20, 2007. 2 pages. Multiple emails among officials from OES, ENR, US Embassy, WHA, and NOAA, concerning draft of speech referenced in <b>O24A</b> .	- Page 1-2. Partial Redaction. Redacted all text, except for earliest email, from Russell Newell to OES officials. Redacted portion of document consists of comments on draft of speech for A/S, referenced in <b>O24A</b> .	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of the speech and the strategies for raising and addressing numerous environmental issues, including illegal logging.
12	O28A	Redlined draft of speech referenced in <b>O24A</b> . 14 pages.	Denied in full.	B5	Document is predecisional and does not contain the final wording of the speech; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of the speech and the strategies for raising and addressing numerous environmental issues, including illegal logging.
13	O31	Feb. 16 and 21, 2007. 3 pages. Email chain among officials from OES, US Embassy concerning illegal logging of mahogany.	- Page 1. Feb. 21, 2007 email. Partial redaction. Para 2; Feb. 16, 2007 email. Partial redaction. Para 1 (sentence 1, 3-6). Discussions about implications of and strategy with respect to Peru's announcement of its 2007 mahogany quota.	B5	redacted discussions are predecisional and reflect the suggestions/opinions of writers of email and show the give and take of a consultative process.

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14	O32B	Draft of summary of issues and talking points concerning illegal logging of bigleaf mahogany in Peru. 2 pages.	Denied in full.	B5	Document is predecisional and does not contain the final position to be taken; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning issues concerning illegal logging.
15	O33	Feb. 21, 2007. 1 page. Email from between OES officials, forwarding draft of issue paper referenced below as <b>O33A</b> .	Upon further review, State Department has agreed to release in full.		
16	O33A	Draft of summary of issues and talking points concerning illegal logging of bigleaf mahogany in Peru. 2 pages.	Denied in full.	B5	Document is predecisional and does not contain the final position to be taken; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning issues related to illegal logging.

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17	O35	Feb. 20-22, 2007. 3 pages. Multiple emails among officials from OES, US Embass, and WHA, concerning draft of Issue Paper on mahogany.	- Page 1. Email dated February 22, 2007. Partial redaction. Para 1. Discussion of earlier draft of speech and discussing strategy for workshop at which Deputy Assistant Secretary ("DAS"), David Balton, would be speaking. - Page 2. Email dated Feb. 20, 2007. Partial redaction. Para 1-2. Discussion of strategy for workshop at which DAS would be speaking.	B5	Document is predecisional and reflects the suggestions/opinions of the writers of the emails and show the give and take of a consultative process.
18	O36	Feb. 20-28, 2007. 3 pages. Multiple emails among officials from OES, WHA, US Embassy, concerning draft of Issue Paper on logging of mahogany.	- Page 1. Email dated February 21, 2007. Partial redaction. Para 1. Discussion of earlier draft of speech and discussing strategy for DAS meeting. - Page 2. Email dated Feb. 20, 2007. Partial redaction. Para 1-2. Discussion of strategy for workshop at which DAS would be speaking.	B5	Document is predecisional and and reflects the suggestions/opinions of writers of email and show the give and take of a consultative process.
19	O40	March 28, 2007. 1 page. Multiple emails among officials from OES and State Department Office of Legal Advisor ("L").	Denied in full. Discussion of strategy for responding to cable sent from US Embassy on illegal logging of mahogany.	B5	Document is predecisional and and reflects the suggestions/opinions of writers of email and show the give and take of a consultative process.
20	O44	April 9, 2007. 2 pages. Email among OES officials, forwarding March 27, 2007 email attaching documents from INRENA website.	- Page 1. Partial redaction. Para 2(sentence 3-5). Discussion of possible US response to INRENA's determination of Peru's export quota. - Attachments to email have not been uncovered; State Department is seeking to obtain and review copies of attachments.	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning illegal logging issues.

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21	O45	April 9-10, 2007. 1 page. Email among officials from OES, and Fish and Wildlife Service ("FWS"), concerning CITES timber issues.	Denied in full.	B5	Document is predecisional and contains discussion of tasks to be coordinated.
22	O50	May 15, 2007. 2 pages. Multiple emails among officials from OES and L, concerning 4 Free Trade Agreements ("FTA").	<ul style="list-style-type: none"> <li>- Page 1. Partial redaction. Email dated May 15, 2007 among officials from L and OES, concerning strategy and substance of response to proposed language for a Free Trade Agreement ("FTA") with Peru concerning illegal logging of mahogany.</li> <li>- Page 2. Partial redaction. Para 3 (sentence 1) discussing tasks to be coordinated with respect to response to proposed language for Peru FTA.</li> </ul>	B5	Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning illegal logging issues
23	O53	May 21-22, 2007. 1 page (pages are missing). Multiple emails among officials from OES, US Trade Representative "USTR", FWS, and L, concerning draft of USTR document on bigleaf mahogany.	Denied in full. Discussion about draft document and providing comments on same.	B5	Document is predecisional and reflects the suggestions/opinions of writers of email and show the give and take of a consultative process.

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24	O53A	<p>redlined draft of USTR position paper discussing certain aspects of Document SC55 Doc. 12, prepared by Secretariat for Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"), on the logging of bigleaf mahogany in Peru and setting forth (1) recommendations for the U.S. government ("USG") agenda for the 55th meeting of the Standing Committee of CITES and (2) recommendations for USG position on the CITES Secretariat's recommendations concerning mahogany. 9 pages.</p>	B5	<p>Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the position to be taken by USG concerning CITES recommendations on logging of mahogany.</p>
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25	O54	May 23, 2007. 3 pages. Multiple emails among officials from OES, L, USTR, ENRD, FWS, EGT, USDA of the Forest Service ("USDA"), Environmental Protection Agency ("EPA"), International Trade Administration ("ITA"), Forest Service ("FS"), White House Council on Environment ("CEQ"), Dep't of Interior ("DOI"), National Security Council ("NSC"), National Security Council ("NSC"), and Department of Homeland Security ("DHS"), concerning meeting on Perus's forest sector. Pages missing.	Denied in full. Discussion of logistics and topics for interagency meeting on Perus' forest sector.	B5	Document is predecisional and reveals deliberations by and concerns of decision-makers
26	O57	Email transmitting mahogany files	Upon further review, the State Department has agreed to release in full.		
27	O57A	Cable from US Embassy.	Upon further review, the State Department has determined this document to be a duplicate of E8, produced in the 2006 FOIA production.		
28	O59	May 29, 2007. 1 page. Multiple emails forwarding draft paper prepared by FWS on mahogany.	Previously determined to be non-responsive. Document is currently under review.		

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29	O59A	Draft of document prepared by FWS, captioned "Draft Tentative Negotiating Position Paper" and entitled "Bigleaf Mahogany: Report of the working group," concerning US government negotiating position and strategy in the context of upcoming meeting of the Bigleaf Mahogany Working Group, formed by the CITES Plant Committee. 4 pages.	Denied in full.	B5	Document is predecisional and does not contain the final position to be taken; document reflects recommendations and opinions and reveals deliberations by decision-makers concerning US position and strategies with respect to bigleaf mahogany.
30	O60	May 29, 2007. 4 pages. Cable from US Embassy in Lima to US Secretary of State concerning CITES, Cedar and Mahogany in Peru.	<ul style="list-style-type: none"> <li>- Page 1. Partial redaction. Para 1 (sentence 7). Recommending potential action with respect to Peruvian cedar.</li> <li>- Page 3. Partial redaction. Numbered Para 14. Discussion of strategies for encouraging forestry conservation and sustainable development for residents of Peruvian forests.</li> </ul>	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning possible initiatives to be undertaken by the USG concerning forestry and development issues in Peru.
31	O61	May 30, 2007. 6 pages. Email among officials from ENR, USTR, EGT, US Embassy, concerning a draft list of reference materials.	<ul style="list-style-type: none"> <li>Denied in full. Discussion of draft list of references to be used for assessing governance of Peruvian forest sector; discussion of logistics for interagency meeting concerning same; personal email address.</li> </ul>	B5 B6	Document is predecisional and reflects recommendations and opinions and shows the give and take of the consultative process. Personal information withheld on privacy ground.

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32	O61A-H	Attachments to Document O61.	Documents were inadvertently omitted from review and are currently under review.		
33	O63	June 1, 2007. 1 page. Multiple emails among officials from ENR, ITA, USDA, USTR, EPA, EGT, FS, CEQ, ENRD, DOI, OES, FWS, NSC, L, US Embassy, and DHS concerning a draft list of reference materials .	Denied in full. Discussion of draft list of references to be used for assessing governance of Peruvian forest sector; discussion of strategy for meeting with head of INRENA; personal email address.	B5 B6	Document is predecisional and reflects recommendations and opinions and shows the give and take of the consultative process. Personal information withheld on privacy grounds.
34	O65	May 31 - June 1, 2007. 2 pages. Multiple emails among officials from DOI, USTR, ITA, USDA, DHS, EPA, EGT, FS, ENR, CEQ, ENRD, OES, FWS, NSC, L, US Embassy, concerning USTR assessment of Peru forestry governance.	Denied in full. Discussion of interagency recommendation concerning assessment of Peru's forestry governance and discussion of draft list of materials and references to use in the course of such assessment.	B5	Document is predecisional and reflects recommendations and opinions and shows the give and take of the consultative process.

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35	O66	<p>Draft of USTR position paper discussing certain aspects of Document SC55 Doc. 12, prepared by Secretariat for Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"), on the logging of bigleaf mahogany in Peru and setting forth (1) recommendations for the U.S. government ("USG") agenda for the 55th meeting of the Standing Committee of CITES and (2) recommendations for USG position on the CITES Secretariat's recommendations concerning mahogany.</p>	Denied in full.	B5	<p>Document is predecisional and contains recommendations and opinions and reveals deliberations by decision-makers concerning the position to be taken by USG concerning CITES recommendations on logging of mahogany.</p>
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36	O66	Draft of USTR position paper discussing certain aspects of Document SC55 Doc. 12, prepared by CITES Secretariat on the logging of bigleaf mahogany in Peru and setting forth (1) recommendations for USG agenda for the 55th meeting of the Standing Committee of CITES and (2) recommendations for USG position on the CITES Secretariat's recommendations concerning mahogany. 9 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the position to be taken by USG concerning CITES recommendations on logging of mahogany.
37	O69A	Redlined draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format. 3 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of responses to questions concerning Peruvian mahogany and illegal logging.
38	O71	June 7, 2007. 2 pages. Multiple emails among officials from Economic Bureau ("EB") and OES, concerning draft Q and A about FTAs, to be posted on USTR website.	Denied in full. Discussion of comments on draft Q and A document concerning FTAs and discussion of logistics concerning same.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of issues concerning FTAs.

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39	O72A	Redlined draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format. 3 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the topics and wording of responses to questions concerning Peruvian mahogany and illegal logging.
40	O73	June 7, 2007. 1 page. Multiple emails among officials from OES, providing comments on the draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.
41	O74	June 7, 2007. 1 page. Multiple emails among officials from OES, EB and L, providing comments on the draft document referenced in <b>O74A</b> .	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.

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42	O74A	Redlined draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format. 3 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.
43	O77	June 7, 2007. 2 pages. Multiple emails among officials from L and OES, concerning draft Q and A about FTAs, to be posted on USTR website.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.
44	O78A	Redlined draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format. 3 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.

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45	O79	June 7, 2007. 2 page. Multiple emails among officials from OES, EB and L, providing comments on the draft document referenced in <b>O79A</b> .	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.
46	O79A	Redlined draft document of issues concerning the Peru FTA and Peruvian mahogany in "Q and A" format. 3 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of responses to questions concerning Peruvian mahogany and illegal logging.
47	O83	June 18, 2007. 5 pages. Email among officials from OES, EGT and USAID, forwarding attached Cable No. 02099 from US Embassy in Peru.	<p>- Page 2. Partial redaction. Numbered Para 1 (sentence 4). Discussion of development of interagency strategy for assisting Peruvian forestry sector and specific recommendations for components of such strategy.</p> <p>- Page 3-4. Partial redaction. Numbered Para 6 (all). Discussion of strategy for harmonizing interagency efforts to assist Peruvian forestry sector.</p> <p>- Page 5. Partial redaction. Numbered Para 7. (sentence 5). Expression of opinion about potential advantages of the proposed "joint platform of work" (referred to in sentence 4 of Numbered para 7).</p>	B5	Redactions contain recommendations and opinions of writer and not a final decision of the agency and, further, reveals deliberations by decision-makers concerning strategies for responding to Peruvian environmental issues, including logging.



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48	O84	June 18, 2007. 1 page. Multiple emails among officials from OES, L, and Trade Policy and Programs ("TPP"), and Office of Deputy of Secretary of State ("D"), concerning clearance for Bipartisan Trade Agreement texts.	Denied in full. Discussion of tasks to be coordinated for clearance of "Bipartisan Trade Agreement-FTA Text."	B5	Document contains discussions that are predecisional and reflect the suggestions and opinions of writer of email and the give and take of a consultative process.
49	O84A	Redlined draft of Article 18 of FTA text , concerning environmental matters. 16 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of FTA text concerning environmental issues.
50	O85	June 18, 2007. 1 page. Email among OES and L officials.	Denied in full. Comments on draft of FTA Annex on Peru Forest Sector Governance.	B5	Document contains discussions that are predecisional and reflect the suggestions and opinions of writer of email and the give and take of a consultative process.
51	O87A	Redlined draft of document, in Q and A format, concerning the FTA Annex on Peru Forest Sector Governance. 5 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of text.

VAUGHN INDEX FOR 2007 FOIA REQUEST

52	O89A	Redlined draft of document, in Q and A format, concerning the FTA Annex on Peru Forest Sector Governance. 5 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of text.
53	O93	June 27, 2007. 6 pages. Email among USTR, OES and EB officials concerning draft of document, in Q and A format, concerning the FTA Annex on Peru Forest Sector Governance.	Denied in full. Discussion of revisions to be made to referenced Q and A document.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of text.
54	O94A	Redlined draft of document, in Q and A format, concerning the FTA Annex on Peru Forest Sector Governance. 5 pages.	Denied in full.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of text.
55	O97	June 27, 2007. 6 pages. Email among officials from USTR, EB, and OES, concerning draft of document, in Q and A format, concerning the FTA Annex on Peru Forest Sector Governance.	Denied in full. Discussion of revisions to be made to referenced Q and A document and of strategy concerning upcoming briefing concerning FTA environmental issues, including Peruvian forest governance.	B5	Document contains recommendations and opinions and reveals deliberations by decision-makers concerning the wording of text.

# Exhibit G

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RELEASED IN PART

ACTION WHA-00

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INFO	LOG-00	AID-00	A-00	CEA-01	CIAE-00	CTME-00	INL-00
	DEAE-00	DODE-00	DOEE-00	ITCE-00	DOTE-00	PDI-00	DS-00
	EAP-00	EB-00	EXME-00	OIGO-00	E-00	FAAE-00	UTED-00
	VCI-00	FRB-00	H-00	TEDE-00	INR-00	LAB-01	L-00
	M-00	VCIE-00	NSAE-00	ISN-00	NSCE-00	OES-00	OIG-00
	OMB-00	NIMA-00	EPAU-00	MCC-00	GIWI-00	ISNE-00	SP-00
	SSO-00	SS-00	STR-00	FMP-00	BBG-00	R-00	EPAE-00
	IIP-00	SCRS-00	DSCC-00	PRM-00	DRL-00	G-00	NFAT-00
	SAS-00	SWCI-00	/002W				

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R 211451Z APR 06  
 FM AMEMBASSY LIMA  
 TO SECSTATE WASHDC 9925  
 INFO AMEMBASSY BOGOTA  
 AMEMBASSY BRASILIA  
 AMEMBASSY BUENOS AIRES  
 AMEMBASSY CARACAS  
 AMEMBASSY LA PAZ  
 AMEMBASSY QUITO  
 AMEMBASSY SANTIAGO  
 USDA FAS WASHDC//USD 1440  
 DEPT OF COMMERCE WASHINGTON DC  
 DEPT OF TREASURY WASHDC

UNCLAS LIMA 001534

DEPT FOR WHA/AND, EPSC AND OES/ETC, ENV  
 BRASILIA FOR ESTH HUB - J STORY  
 USAID FOR LAC, EGAT  
 USTR FOR B HARMANN, M BURR  
 COMMERCE FOR M CAMERON  
 USDA/AS/FAA/BAILLEY AND USDA/FAS/ITP/FSTSD/BREHM

SENSITIVE  
 SIPDIS

E.O. 12958: N/A  
 TAGS: SENV, ETRD, EINV, EAID, ECON, PGOV, SNAR, PE  
 SUBJECT: ILLEGAL LOGGING THRIVES IN PERU

REF: LIMA 2444

1. (SBU) SUMMARY: Peru exports the most broad leaf mahogany in the world, a majority of it to the U.S. Much of the exports are likely from illegal logging, violating Peruvian law and the CITES international convention against trafficking in endangered species. The GOP, NGO community

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and Peruvian logging industry agree that illegal logging is a problem. [REDACTED]

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[REDACTED] The formal forest products industry, concerned about legal challenges to mahogany exports, appears interested in working to reduce illegal logging. Post is exploring options such as applying for OES-I Project funds and realigning USAID programming. END SUMMARY.

#### DIRE MAHOGANY SITUATION

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2. (U) Peru now is the world's largest exporter of broad leaf mahogany, according to the latest report of the International Tropical Timber Organization (ITTO). Brazil reportedly no longer allows legal export of broad leaf mahogany, and the Bolivian government is reducing legal exports due to its declining stocks. Legal exports of Peruvian mahogany have declined steadily since, according to the 2005 report of the GOP's natural resources monitoring and enforcement agency, INRENA. Since 2002, the agency's estimate of illicit exported mahogany has been 60,000 cubic meters per year. Broad leaf mahogany continues as an endangered species under Appendix II of the International Convention against Trafficking in Endangered Species (CITES). The high selective extraction of reproducing trees, the slow reproduction rate of wild mahogany, and the inability so far of silviculturalists to develop healthy mahogany plantations have combined to cause a steady decline in mahogany stocks.

#### PROBLEMS WITH MAHOGANY BUYERS AND SELLERS

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3. (U) Ten firms with INRENA permits account for over 85 percent of Peru's mahogany exports. The United States continues to be by far the largest importer of mahogany importing 88 percent of Peru's total 2005 mahogany exports. Unofficial INRENA estimates indicate that 70-90 percent of all mahogany exported in 2005 originated from illegal sources.

4. (SBU) INRENA's current verification process, implemented as a result of USAID support, is confirming that mahogany is being harvested not from the commercial concessions but from protected areas (where commercial extraction is prohibited) and from areas in indigenous territories different than those specified in INRENA-approved logging plans. INRENA must approve all logging plans to extract mahogany legally from commercial forestry concessions, indigenous community lands, and agricultural land with remnant forests.

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5. (SBU) Reliable INRENA sources and civil society groups report that mahogany loggers exploit indigenous communities by paying below-market prices. The loggers also are involved in forced labor, according to the International Labor Organization (ILO). Moreover, commercial timber extraction from forested remnants of agricultural land is considered the most common system to launder illegal timber. There is a long history of extracting mahogany from remnant forests and the origin of the cut timber is hard to trace.

#### PERU SETS QUOTAS AT LAST

6. (SBU) Despite domestic political pressure against the measure, INRENA (with USG support) set in May 2005 Peru's first mahogany export quota. INRENA established the quota for 2005 at 23,621 cubic meters (m3). INRENA concluded that an export quota was the most cost-effective and scientifically defensible way to manage the resource and

fulfill CITES requirements after it verified, with direct USAID support, 52 concessions. The verification process showed that 60 percent of these concessions presented serious infractions, including document falsification, timber extraction outside the concession boundaries and links to bribes. The other 40 percent showed they were complying with the minimal management standards per Peruvian law, but still required corrections. None of the concessions verified showed high management standards. As a result, INRENA set a mahogany quota, suspended the granting of new concessions and requested USAID-targeted support to correct the identified weaknesses.

7. (U) INRENA officials said that a quota allowed official exports to be controlled while better methods were developed to farm mahogany in plantations or foster regeneration of wild stocks, and until a reliable supervision system could be put in place. INRENA set a quota for 2006 at 23,239 m3. As of March 2006, Peru has exported 5,698.57 m3, most of which has gone to the United States. (Note: Given the acknowledged problem with illegal logging, we were surprised that INRENA reduced the quota by only 394 m3 for 2006. End Note.)

8. (SBU) INRENA based the 2005-06 quota on various criteria. This included: historical exports; requirements for non-detrimental legal exports under Appendix II of CITES; and INRENA projections of available commercial timber volume for the harvest seasons. INRENA considered as well NGO and ITTO data on the continuing reduction of mahogany populations in Latin America. The National Agrarian

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University (UNALM) is the CITES scientific authority for "non-detriment" in Peru. The University has been unable to produce a definitive census or other reliable monitoring system of mahogany stocks; UNALM finally delivered to ESTHoff on April 3 a promised preliminary census. UNALM's report states that Peru's mahogany population has declined dramatically, from 768,220 trees (224,733 in protected natural areas) to 304,630 trees (87,888 in protected natural areas).

#### MISPLACED SUPPORT FROM CITES AUTHORITIES...

9. (SBU) At the last international CITES meeting, in October 2005, INRENA presented a series of accomplishments it claimed had been made in the fight against the illegal cutting of mahogany. When the CITES Commission lauded Peru's gains in the management of forest resources and environmental governance, it also noted the fragility of these gains. Highlighting future challenges, the Commission identified the "increased powers" of an illicit forest management cartel; the cartel's strengthened linkages to what it called the Coca Cartel; and the continued crisis in institutional capacity. (Comment: Post does not believe that there is either a single illicit logging cartel nor a single coca cartel. End Comment.)

10. (SBU) At the CITES meeting, the GOP cited as an accomplishment its computerized system to track mahogany harvest, a system developed with USAID funding. Reliable information indicates that data has consistently been mis-entered or later altered at field locations, allowing concessionaires to cut more lumber than they are legally permitted. Post has suspected corruption for many months and has consistently informed INRENA of these concerns. A few weeks ago, when the story appeared in the media, INRENA claimed it would address this situation. Nothing has changed to date.

11. (SBU) INRENA at the last CITES meeting announced that it was re-structuring itself to ensure greater "separation of powers" among INRENA's management, forest supervision department (OSINFOR), and its departments for protected areas and species. More than five months since the meeting, the new structure has yet to be implemented.

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GROWING NEXUS BETWEEN ILLEGAL LOGGING AND NARCOTRAFFICKING  
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12. (SBU) The narcotrafficking presence on the eastern slopes of the Andes puts even more pressure on mahogany and cedar populations. Narcotraffickers with established networks for moving coca paste and opium latex appear to be getting involved in transport of illegal timber, for both its profitability and its utility as concealment. For example, GOP officials and mining developers familiar with mine exploration activities at the northern border with Ecuador told Econoff in July that a local Mayor has been involved in both illegal logging and opium poppy production.

13. (SBU) Police in Loreto Department told Econoff in June and September that they continue to find coca paste packages hidden in mahogany and cedar shipments. The transported mahogany trunks, or stacked loads of sawn lumber, are so huge, and the number of shipments so massive that police catch only a tiny fraction of the coca that they estimate is transported from the Andes downriver to Brazil. DEA's Lima Country Office -- which actively assists GOP law enforcement in eliminating the concealment of illicit drugs in wood shipments, believes that suspected shipments are large.

USAID RESPONSE  
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14. (U) Consistent with its overall objective of assisting GOP institutions to take the lead and become accountable for sustainable natural resources management and conservation of biodiversity, USAID continues to support transformational development interventions. USAID funds and advises INRENA on issues related to sustainable natural resources management, management of protected areas, institutional capacity strengthening, and policy and legal controls. USAID decided recently to discontinue support for the computer registration program because of the credible allegations of corruption and the lack of INRENA action to address the situation.

15. (U) USAID is pursuing the most effective way of combating illegal logging, through legal forest management. USAID is working with INRENA to achieve international certification of forests and the lumber export chain, limiting participation in programs to operators whom USAID can certify. Working with a small group of private concessionaires and 10 different indigenous communities, the objective is to certify approximately 200,000 hectares by December 2006. The initial results are promising, but the

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task is daunting.

#### PRIVATE SECTOR CONCERNED ABOUT ESA LITIGATION

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16. (SBU) In late March and early April meetings with Econoff and USAID Environmental officer, Peruvian Association of Exporters (ADEX) representatives expressed their concern about what misrepresentations of fact in the copy of Notice to Sue, written by NGO Natural Resources Defense Council (NRDC) under the Endangered Species Act (ESA). During the meeting ADEX representatives admitted that the problem was great, but that there existed a core group of exporters interested in "doing this right." ADEX members are particularly concerned about current lumber shipments soon to depart Peru bound for the U.S.

#### PARTNERSHIP WITH THE PRIVATE SECTOR

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17. (SBU) While Peru's forested land accounts for over 64 percent of the country's surface, forestry accounts for only one percent of GDP. One of the most compelling issues identified towards the achievement of forest and biodiversity sustainability and promotion of licit livelihoods is to promote international standards for certification and chain of custody. The forest products firms in Peru appear to want to change that. ADEX recently acknowledged in a public presentation the problem of illegal logging, the opportunity to increase exports and GDP and some suggestions for reforming GOP oversight of the forest products industry (Reftel).

#### COMMENT: MUCH TO BE DONE

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18. (SBU) Peru's forest management has been trouble for years, and its legitimate mahogany exports for the important U.S. market are in jeopardy. Peru risks violating not only CITES, but also the recently-signed free trade agreement with the United States, which will require Peru to enforce its local and international obligations. If the GOP does not maintain its quota in the face of continuing illegal harvest, it risks suspension of imports by the European Union, destruction of an endangered species and a defeat of the rule of law. U.S. wood importers need to join the effort by investing in the system's improvement.

19. (U) The U.S-Peru free trade agreement may provide an additional tool to move Peru along a path of compliance and conservation, promoting legal trade with the United States. Post will continue discussions with industry representatives

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on how to promote greater industry compliance with international standards. The International Wood Products Association has also expressed interest in helping to assure legal U.S. imports. Logging/export certification, if properly funded, could fit into a Post trade capacity building program for implementation of the U.S. trade deal. Post is applying for an OES-I project grant for this purpose.

20. (U) Embassy will raise with appropriate GOP officials the need to maintain a credible approach to mahogany exports and adhere to international forest and chain of custody certification standards. USAID will continue to work with INRENA, the private sector and indigenous populations to ensure that INRENA acquires the needed capacity to be held accountable for the proper and sustainable management of natural resources in Peru. Advancing the responsible promotion of the forest sector is the best alternative to the illicit livelihoods that sustain many in the current forest sector.

21. (U) This cable was co-drafted with USAID Lima.

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